

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

R.A., JR., etc.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:06cv337-WHA
)	
DEPUTY SHERIFF WALTER LACEY,)	
)	
Defendant.)	

ORDER

This case is before the court on Defendant's Objections to Plaintiff's Exhibit List (Doc. #68), filed on April 26, 2007.

Having considered the objections, it is hereby ORDERED as follows:

1. Objections to Plaintiff's Exhibits 1, 2 and 3, being photographs allegedly of the area of the incident, are SUSTAINED only to the extent that they will not be admitted until a proper foundation is first laid as to admissibility.

2. Defendant's objection to Exhibit 4, identified as a "picture of R.A., Jr., injury to hip area," is SUSTAINED, in that it appears that no exhibit 4 was included in the documents submitted to the Defendant, which documents were included as exhibits to Defendant's Objections to Plaintiff's Exhibit List.

3. Defendant's objection to Exhibit 7, listed as "emergency room records; Community Hospital, Inc. 10/10/05," is SUSTAINED for the reason that Exhibit 7 which is attached to

Defendant's objections appears to be comprised of records for admissions on dates preceding 10/10/05.

4. Defendant's objections to Exhibit 8, listed as "Southeast Pediatrics: (Dr. Molly Walker) medical records," is SUSTAINED as to medical bills, because of the absence of medical testimony as to both reasonableness and necessity.

Defendant also objects to that portion of Exhibit 8 containing medical records other than expense. There appears to be no objection to the authenticity of these records, but an objection based on hearsay. Therefore, for the reasons set out in the court's rulings on Motions in Limine, this objection is OVERRULED.

5. Defendant's objection to Plaintiff's Exhibit 9, "State of Alabama complaints signed by Deputy Lacey." The only claim which will be before the jury in this case is one of excessive force. Therefore, this objection is SUSTAINED, because the filing of the complaint is irrelevant to the question of whether the Defendant used excessive force. In the event that evidence should develop at trial which the Plaintiff feels should open the door to the relevance of this exhibit, the court will hear from counsel outside the presence of the jury to consider admission of the exhibit.

DONE this 21st day of May, 2007.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE